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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,540	01/25/2000	Shlomo Kipnis	NDS-300.USA	7274

24628 7590 07/27/2004

WELSH & KATZ, LTD  
120 S RIVERSIDE PLAZA  
22ND FLOOR  
CHICAGO, IL 60606

EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/490,540

Applicant(s)

KIPNIS ET AL.

Examiner

Frantzy Poinvil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15, 16, 18-25, 27, 42 and 46-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15, 16, 18-25, 27-42 and 46-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 15-16 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao et al. (US Patent No. 6,529,725) considered with Hultgren (WO 98/47116).
2. Claims 18-19 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao et al. (US Patent No. 6,529,725) and Hultgren (WO98/47116) as applied to claims 1 and 15 above, and further in view of Foladore et al. (US Patent No. 5,914,472).
3. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao et al. (US Patent No. 6,529,725) and Hultgren (WO 98/47116) as applied to claim 15 above, and further in view of Remillard (US Patent No. 5,561,709).

As per claims 15 and 27, applicant's representative has amended the claims to recite "the use limit is a strictly decreasing function of at least one of the following:

An elapsed time since a predetermined time; and

A distance from a specified location"

Applicant's representative then states that Hultgren only describes or suggests a use limitation in which transactions are not allowed at all beyond an acceptable

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range from a given location and then argues that Hultgren does not describe or suggest a quantitative use limit as recited in independent claims 15 and 27.

In response, Hultgren teaches whether a portable transaction module is within an allowable range (see page 21 of Hultgren). Joao et al teach authorizing the use of a portable transaction device or module based on a type of a transaction, a use of the location of the portable device and a time period. Note column 7, lines 47-67 of Joao et al.

Furthermore, it is noted that the combination of Joao et al and Hultgren disclose the use limit of a portable transaction device or module based on time or distance or location. The claims as amended do not change the functioning of the combined system of Joao et al and Hultgren since the use limit of Joao et al and Hultgren is based on either time or distance. The use limit being a "strictly decreasing function" as claimed does not affect the functioning of the device as such is based merely on time and or location. An elapsed time since a predetermined time and a distance from a specified location relate to time and distance respectively. Also, restricting the use of the portable device based on a "strictly decreasing function" would have been obvious to one of ordinary skill in the art in order to provide a specific limit on the use of the portable device.

4. Claims 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao et al. (US Patent No. 6,529,725) and Foladore et al. (US Patent No. 5,914,472) as stated in the prior Office action.

As per claim 42, claim 42 has been amended to include the limitation of:

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Wherein the use limitation comprises at least one of the following:

At least one defined period of time;

A defined distance from a specified location;

At least one defined type of transaction

At least on type of transaction meeting a predefined criterion; and

At least one authorized person authorized to use the portable device, and

The use limit apparatus is operative to limit use of the portable device up to a quantitative use limit, and

The use limit is a strictly decreasing function of at least one of at least one of the following;

An elapsed time since a predetermined time; and

A distance from a specified location.

As per these features, Joao et al teach the use limit apparatus is operative to limit the use of the portable device up to a quantitative use limit as an amount of funds.

Joao et al do not explicitly teach the use limit is a strictly decreasing function of at least one of the following:

An elapsed time since a predetermined time and a distance from a specified location.

Joao et al teach authorizing the use of a portable transaction device or module based on a type of a transaction, a use of the location of the portable device and a time period. Note column 7, lines 47-67 of Joao et al.

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Furthermore, it is noted that the combination of Joao et al and Foladore disclose the use limit of a portable transaction device or module based on time or distance or location. The claims as amended do not change the functioning of the combined system of Joao et al and Foladore et al since the use limit of Joao et al and Foladore et al is based on either time or distance. The use limit being a "strictly decreasing function" as claimed does not affect the functioning of the device as such is based merely on time and or location. An elapsed time since a predetermined time and a distance from a specified location relate to time and distance respectively. Also, restricting the use of the portable device based on a "strictly decreasing function" would have been obvious to one of ordinary skill in the art in order to provide a specific limit on the use of the portable device.

5. Claims 46-49 remain rejected under 35 USC 103(a) as being unpatentable over Joao et al (US Patent No. 6,529,725) and Foladore (US Patent No. 5,914,472) as applied to claim 42 above, and further in view of Sehr (US Patent No. 6,325,292) as stated in the prior Office action.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory

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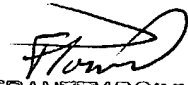
action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP  
July 21, 2004

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
AU 3628